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FM AMEMBASSY KATHMANDU
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RUEHKA/AMEMBASSY DHAKA PRIORITY 2918
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5615
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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3383
RUEHCI/AMCONSUL KOLKATA PRIORITY 4872
RUEHGV/USMISSION GENEVA PRIORITY 2487
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3762
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
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RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 001135

SENSITIVE
SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [NP](#)

SUBJECT: NEPAL: UNPKO OFFICER REPATRIATED AND DETAINED

REF: A. KATHMANDU 1109

[1](#)B. KATHMANDU 887

Classified By: Charge d' Affaires, a.i., Randy W. Berry. Reasons 1.4 (b /d).

[1](#)1. (SBU) Nepal Army (NA) Major Niranjan Basnet, who had been deployed to Chad on a UN peacekeeping mission, has been repatriated to Nepal following intervention by the UN Office of the High Commissioner for Human Rights (OHCHR) and the Department of Peacekeeping Operations (DPKO). Basnet is one of the four accused in the alleged 2004 torture and death of 15-year old Maina Sunuwar, whose high-profile case has become emblematic in Nepal's human rights community. In a politically courageous move, Prime Minister Madhav Nepal ordered the Home Minister to detain Basnet and hand him over to the Nepal Police (NP) for investigation. In 2008, a Nepali civilian court ordered Basnet's arrest and in September 2009, the Kavre District Court ordered Basnet suspended. Basnet was forcibly returned to Nepal on December 12 and was immediately placed in the custody of the NA upon arrival at Kathmandu international airport. According to the NA, he is being held at the main barracks under the authority of the military police and no action will be taken until the Chief of Army Staff (COAS), General Gurung, returns from a state visit to India on December 19.

[1](#)2. (C) OHCHR's Fred Rawski described Basnet's repatriation and detention as "a very significant event," and added the Home Minister, the Police, and the Army were all against it. Despite the PM's order and the civilian court's standing arrest warrant, the NA has shown no willingness to hand Basnet over to the NP for investigation yet. "The Nepal Army is digging in its heels rather than relieving themselves of a very burdensome case," Rawski told PolOff. Given the entrenchment by the NA and a souring of relations between OHCHR and the NA's Human Rights Directorate, OHCHR is considering asking DPKO to send a formal letter of reprimand to the NA for sending an indicted army officer, accused of grave human rights offenses, on a UN peacekeeping mission.

[1](#)3. (C) Comment: With domestic and international pressure mounting on the NA to hand Basnet over to the police, it will be a difficult week for the army. However, with the scheduled departure this afternoon of the PM to Copenhagen, internal political pressure may ease a bit. Unlike one of the other accused who reportedly had strong ties with the former COAS,

Basnet is of a much lower rank and lacks the political connections to protect himself from prosecution. With Acting COAS Toran Singh in charge, little is likely to progress until General Gurung returns from Delhi and takes up the case.

BERRY